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AO 91 (Rev. 08/09) Criminal Complaint

AUSA Kevin Mulcahy 313-226-9713  
Special Agent Branden D. Funk, 313-965-2323

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America  
v.

Duane Letroy Berry

Case: 2:15-mj-30528  
Judge: Unassigned  
Filed: 11-06-2015 At 09:09 AM  
CMP USA V. DUANE LETROY BERRY (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 6, 2015 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*

*Offense Description*

18 U.S.C. sec. 1038(a)

Conveying False Information Regarding Explosives

This criminal complaint is based on these facts:  
See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: November 6, 2015

City and state: Detroit, Michigan

B. D. Funk

*Complainant's signature*

Branden D. Funk, FBI

*Printed name and title*

Elizabeth A. Stafford

*Judge's signature*

Elizabeth Stafford, United States Magistrate Judge

*Printed name and title*

I, Branden D. Funk, first being duly sworn, depose and state that:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for nine years. I am currently assigned to a Terrorism Squad in the Detroit, Michigan, field office of the FBI where I am assigned to investigate terrorism related violations of Title 18, United States Code and other violations of federal law.
2. This affidavit is submitted in support of an application for a criminal complaint and arrest for DUANE LETROY BERRY, for violation of 18 U.S.C. § 1038, hoax threats.
3. On November 6, 2015, at approximately 11:00 a.m., the Detroit Police Department (DPD) Bomb Squad and the FBI responded to a suspicious package located at the northwest corner of the Guardian Building, near West Congress Street and Woodward Avenue in Detroit, Michigan. DPD Bomb Squad responded to the location listed above and located a white sheet covering a black briefcase-style package next to the Guardian Building. DPD Bomb Squad remotely removed the white sheet covering the package. The black briefcase-style package had black and red wires protruding from the case, and a large sticker on one side that read "ATTENTION, this door must be kept posted." A handwritten note was also on the side of the package that stated, "Open me". As the sheet was being removed from the package, a Defiant brand motion detector was located inside the white sheet. As DPD Bomb Squad removed the sheet, they uncovered an orange piece of paper placed in Plexiglas stating "Attention!!! Fore Closed Bank of America". DPD Bomb Squad removed the package from the area and opened the package at a secure location.
4. After the package was opened at a secure location, DPD and FBI agents found a manila folder containing several documents inside. Among the documents was a Summons from the 36<sup>th</sup> District Court in Detroit regarding a Landlord/Tenant matter. The name "Duane Berry" appears as the representative trustee on that paperwork. Additional documents regarding Bank of America were also in the package. Specifically, the documents

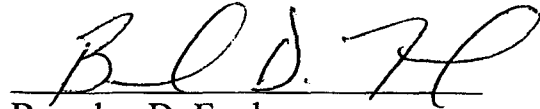
recovered dealt with an ongoing dispute Duane Berry has with Bank of America. There were at least four documents signed by Duane Berry found among the documents recovered from the briefcase. DPD Bomb Squad personnel also found another Defiant brand motion detector that was found with the suspicious package.

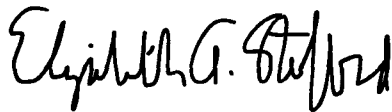
5. Law enforcement reviewed closed circuit video of the area listed above during the time period before the device was found. The video shows that at 9:31 a.m. a black Jeep SUV stopped near the Guardian Building. After the black Jeep SUV stopped, a black male exited the vehicle wearing an orange vest and white safety hat. The black male carried a black briefcase style package and a white sheet to the side of the Guardian building. The individual placed the black package against the building, covered it with a white sheet, then returned to his vehicle and departed the area.
6. Bank of America employees/security personnel report an ongoing contentious relationship with Duane Letroy Berry. Berry was a former customer who has filed numerous legal claims against Bank of America for alleged improprieties. Bank of America personnel report that since October 30, 2015, ATMs in the Detroit area at seven bank branches have been vandalized. They advise that the current damage estimate is in excess of \$300,000.00. Bank of America indicated that in one of the vandalism cases the suspect is a tall black male who appears to be wearing an orange safety vest and white safety hat. That suspect was observed driving a black Jeep product.
7. Bank of America personnel further advised that on or about November 3, 2015, an individual told the security officer at the Livonia Bank of America that the person responsible for the damage to the Livonia Bank of America branch was his son. The security officer advised that the reporting person drove a dark colored Jeep bearing Michigan license plate DJK5868. State of Michigan records indicate that the license plate DJK5868 is assigned to a 2013 Jeep registered to Letroy Berry at 3\*\*\*2 Bramham Street, Clinton Township, Michigan.

8. A review of records of Michigan Secretary of State indicates that Duane Letroy Berry lives at 3\*\*\*2 Bramham Street, Clinton Township, Michigan. That record also indicates Duane Letroy Berry is six feet tall.
9. Based on the forgoing, there is probable cause to believe that on November 6, 2015, in the Eastern District of Michigan, Duane Letroy Berry engaged in conduct with the intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicated that an activity was taking place or would take place that would constitute a violation of chapter 40 of Title 18 of the United States Code (specifically, crimes involving explosive material), all in violation of 18 U.S.C. § 1038(a).

Sworn before me by reasonable electronic means on

**Nov 6, 2015**

  
Branden D. Funk  
Special Agent  
Federal Bureau of Investigation



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ELIZABETH STAFFORD  
UNITED STATES MAGISTRATE JUDGE